



City of Seattle

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Gregory J. Nickels, Mayor

**Department of Design, Construction and Land Use**

D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

**Application Number:** 2301206  
**Applicant Name:** Michael Alford  
**Address of Proposal:** 4149 Southwest Frontenac Street

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to subdivide one parcel into four unit lots (unit lot subdivision). Proposed unit lot areas are: Parcel A) 1,321.5 square feet; Parcel B) 1,309.9 square feet; Parcel C) 2,449.4 square feet; and Parcel D) 1,619.5 square feet. This subdivision of property is only for the purpose of allowing sale or lease of the unit lots. Development standards will be applied to the original parcel and not to each of the new unit lots; the construction of townhouses was reviewed and approved under Project #2202019.

The following approval is required:

**Short Subdivision** - To subdivide one existing parcel into four unit lots.  
(Chapter 23.24, Seattle Municipal Code).

**SEPA DETERMINATION:** ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS  
☐ DNS with conditions  
☐ DNS involving non-exempt grading or demolition, or  
involving another agency with jurisdiction.

**BACKGROUND DATA**

Site & Area Description

The 6,700-square foot subject site (the “parent lot”) is located on the east side of California Avenue Southwest on the block between Southwest Frontenac Street to the north and Southwest Myrtle Street to the south. The L-shaped lot also bends to the north and has frontage on Southwest Frontenac Street. At the site location, California Avenue Southwest is designated as a collector arterial and improved with curb, gutter, and sidewalks on both sides of the street. Southwest Frontenac Street is also improved with curb, gutter, and sidewalk. The existing single-

family structure is to be demolished under related MUP #2202019. The site is located in a mapped steep slope environmentally critical area (ECA) but received a full exemption under MUP #2205659.

The subject property and properties to the immediate north and south are all zoned Residential, Multifamily, Lowrise 2 (L2). Properties to the west (across California Avenue Southwest) are zoned Residential, Multifamily, Lowrise 2 Residential/Commercial (L2 R/C). Properties to the west (across the existing alley) are zoned Residential, Single-family 7,200 (SF 7200). Development in the immediate area primarily consists of multi-family and single-family structures.

### Proposal Description

The applicant proposes to subdivide one 6,700-square foot parcel into four unit lots with the following lot areas: Parcel A) 1,321.5 square feet; Parcel B) 1,309.9 square feet; Parcel C) 2,449.4 square feet; and, Parcel D) 1,619.5 square feet in an L2 zone. The site has street frontage on both California Avenue Southwest and Southwest Frontenac Street. Vehicular access to approved parking spaces would be provided off an existing 16-foot wide alley. An underlying Master Use Permit for the construction of four townhouse units has been reviewed and approved (Master Use Permit #2202019). The subject of this analysis and decision is limited to the subdivision of land.

### Public Comments

The 14-day public comment period for this proposal ended on March 26, 2003. Three written comments were received. All three comments concerned code standards reviewed under related Master Use Permit #2202019, including height, lot coverage, and parking location.

### **ANALYSIS - SHORT SUBDIVISION**

Pursuant to SMC 23.24.040, no short subdivision shall be approved unless all of the following facts and conditions are found to exist. The following findings are based upon information provided by the applicant; review of access, drainage and zoning within the Department of Design, Construction and Land Use (DCLU); review from Seattle Public Utilities, Seattle Fire Department, and Seattle City Light; and review by the Land Use Planner.

#### *1. Conformance to the applicable Land Use Code provisions;*

The underlying construction permit for four (4) townhouse units in two structures was reviewed and approved under Master Use Permit #2202019. This related application was reviewed for compliance with all applicable provisions of the Land Use Code including density, lot coverage, setbacks, open space, parking, and access.

The proposed unit lot subdivision would allow separate ownership of the land associated with each of the four townhouse units. This purpose is consistent with the provisions of SMC 23.24.045, Unit lot subdivisions.

2. *Adequacy of access for vehicles, utilities, and fire protection as provided in Section 23.53.005;*

The four proposed lots would have access onto an existing 16-foot wide improved alley located to the east of the site. The Seattle Fire Department has reviewed and approved the proposed short plat for adequate emergency vehicle access.

All private utilities are available in this area. Seattle City Light would provide electrical service to the proposed short plat. City Light reviewed the proposal and has requested an easement to provide electrical facilities and service to the proposed lots.

Therefore, this short plat provides for adequate access for vehicles, utilities, and fire protection.

3. *Adequacy of drainage, water supply and sanitary sewage disposal;*

This area is served with domestic water, sanitary sewer, and storm drain facilities by the City of Seattle, and availability of utility service is assured subject to standard conditions of utility extension.

The short plat application has been reviewed by Seattle Public Utilities, and Water Availability Certificate #2003-0294 was issued on March 27, 2003.

The existing structure is connected by means of a single sidesewer to an 18-inch public sanitary sewer (PSS) located in California Avenue SW. There is also an 8-inch PSS located in SW Frontenac Street. Both of these mainlines were originally constructed as combined sewers, and as such, there are likely to be downspouts and catch basins still connected to what is now considered a sanitary sewer for the purposes of redevelopment.

In addition, there is an existing 12-inch public storm drain (PSD) located in SW Frontenac Street that discharges to a Designated Receiving Water. Plan review requirements were made at the time of building permit application in accordance with the applicable stormwater ordinances in effect at that time.

4. *Whether the public use and interests are served by permitting the proposed division of land;*

The proposed development would have adequate access for vehicles, utilities, and fire protection and has adequate drainage, water supply, and sanitary sewage disposal.

An easement or covenant should be recorded with the final plat to ensure that addresses for all four units are visible from the public right-of-way. The easement or covenant should ensure that address signage is both permitted and maintained.

The public use and interests would be served by permitting the proposed subdivision of land, and the proposal meets all applicable criteria for approval of a short plat as discussed in this analysis.

5. *Conformance to the applicable provisions of SMC Section 25.09.240, Short subdivisions and subdivisions, in environmentally critical areas;*

The subject site was identified as a steep slope environmentally critical area (ECA) as set forth in SMC 25.09.020. However, the site received a steep slope exemption (#2205659).

6. *Is designed to maximize the retention of existing trees;*

Standards for tree retention were reviewed under the related construction permit (Master Use Permit #2202019). No additional trees are likely to be removed as a result of this subdivision.

7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

The provisions of SMC Section 23.24.045 are as follows:

- A. *The provisions of this section apply exclusively to the unit subdivision of land for townhouses, cottage housing developments, residential cluster developments, and single-family residences in zones where such uses are permitted.*

The subject proposal would establish separate lots for four townhouses in a Lowrise 2 zone, thus falling within the provisions of SMC 23.24.045.

- B. *Sites developed or proposed to be developed with dwelling units listed in subsection A above, may be subdivided into individual unit lots. The development as a whole shall meet development standards applicable at the time the permit application is vested. As a result of the subdivision, development on individual unit lots may be nonconforming as to some or all of the development standards based on analysis of the individual unit lot, except that any private, usable open space for each dwelling unit shall be provided on the same lot as the dwelling unit it serves.*

A related construction permit for townhouse development was reviewed and approved under Master Use Permit #2202019. That related development proposal was reviewed to ensure that it met applicable development standards as a whole. Usable private open space for each dwelling unit is shown on both the related construction application and the survey site plan.

- C. *Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot.*

In order to assure proper control of future platting actions, additions or modifications to structure(s) on the subject site, a condition should be placed on the face of the plat as outlined under Criterion 'F' below.

- D. *Access easements and joint use and maintenance agreements shall be executed for use of common garage or parking areas, common open space (such as common courtyard space for cottage housing), and other similar features, as recorded with the Director of the King County Department of Records and Elections.*

A joint use and maintenance agreement should be provided with the final recording documents.

- E. *Within the parent lot, required parking for a dwelling unit may be provided on a different unit lot than the lot with the dwelling unit, as long as the right to use that parking is formalized by an easement on the plat, as recorded with the Director of King County Development of Records and Elections.*

Parking would be accessed via the alley and would be located on Parcels C and D. Parking easements would assure that proposed Parcels A and B had access to parking.

- F. *The facts that the unit lot is not a separate buildable lot, and that additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot shall be noted on the plat, as recorded with the Director of the King County Department of Records and Elections.*

Review of this application shows that the proposed short subdivision would conform to applicable standards of SMC 23.24.045 and to applicable standards for unit lot subdivisions for townhouses in an L2 zone. To assure that future owners have constructive notice that additional development may be limited; the applicant should add a note to the face of the plat that reads as follows: *“The lots created by this unit subdivision are not separate buildable lots. Additional development on these unit lots in this unit subdivision may be limited as a result of the application of development standards to their parent lot pursuant to applicable provisions of the Seattle Land Use Code.”*

### Summary

The proposed unit lot subdivision would meet all applicable requirements of SMC Chapter 23.24, Short Plats. The underlying development, as a whole, was reviewed for all applicable standards set forth in the Land Use Code. The proposed unit subdivision would be provided with adequate pedestrian and vehicular access and with public and private utilities. Adequate provisions for water supply and sanitary sewage disposal have been proposed for each lot, and service is assured, subject to standard conditions governing utility extensions. Adequate provisions for drainage control have also been provided.

### **DECISION - SHORT SUBDIVISION**

The proposed Short Subdivision is **CONDITIONALLY GRANTED**.

## **CONDITIONS - SHORT SUBDIVISION**

### *Conditions of Approval Prior to Recording*

The owner(s) and/or responsible party(s) shall:

1. Have final recording documents prepared by or under the supervision of a Washington State licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown. Lot areas shall be shown on the plat. All existing structures, principal and accessory, shall be shown on the face of the plat, and their distances to the proposed property lines dimensioned.
2. Correct the final recording documents to show the proposed property line between Parcels C and D.
3. Correct Sheets 1 and 3 of the final recording documents to correctly label the location of the parking easements.
4. Submit the final recording forms for approval and any necessary fees.
5. Add the conditions of approval to the face of the plat.
6. Include an easement to provide for electrical facilities and service to the proposed lots as required by Seattle City Light (as described in Exhibit "A," P.M. #240326-1-012) on the final short subdivision.
7. Add the following note to the face of the plat: *"The lots created by this unit subdivision are not separate buildable lots. Additional development on these unit lots in this unit subdivision may be limited as a result of the application of development standards to their parent lot pursuant to applicable provisions of the Seattle Land Use Code."*
8. Provide a joint maintenance and responsibility agreement for maintenance and use of shared walls on property lines and all ingress, egress and utility easements.
9. Record an easement or covenant with the final plat to allow the posting and maintenance of address signage for Parcels A, B, and D that is appropriately visible from Southwest Frontenac Street.

Signature: (signature on file) Date: June 9, 2003  
Leslie C. Clark, AICP  
Land Use Planner